

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Daniel J. McCarthy,

Plaintiff,

-vs-

Michael J. Astrue, Social Security
Administration Commissioner,

Defendant.

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Case No. 3:07-cr-92

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION**

Before the Court is Plaintiff's motion for attorney's fees and expenses under the Equal Access to Justice (EAJA), 28 U.S.C. § 2412 (Doc. #19). The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Defendant pay Plaintiff \$8,293.63 in fees and costs. (Doc. #26). No party has filed an objection pursuant to Local Rule 72.1(D)(3).

The Court has reviewed the Report and Recommendation, along with the entire file, and agrees with the Magistrate Judge's analysis and recommendation. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED that Defendant pay Plaintiff \$8,293.63 in fees and costs within 30 days.

IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 5th day of August, 2009.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court